

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Mac Muir	Team: Squad #12	CCRB Case #: 201708302	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 08/03/2017 3:00 AM	Location of Incident: § 87(2)(b) 45th Precinct stationhouse	Precinct: 45	18 Mo. SOL 2/3/2019	EO SOL 2/3/2019	
Date/Time CV Reported Wed, 09/27/2017 1:27 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 10/10/2017 11:21 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. POM Hector Basora	02526	960211	045 PCT
3. POM Melvin Chittum	07373	941547	045 PCT
4. POM Sean Liscoe	06790	953000	045 PCT
5. LT Michael Piper	00000	945281	045 PCT
6. LT Burim Berisha	00000	938058	045 PCT
7. POM Gabriel Cotto	30799	928119	045 PCT
8. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Fernando Benitezcolon	515	956429	045 PCT
2. DT3 Kristopher Persaud	3285	937280	045 DET
3. POF Martha Nova	16220	959849	045 PCT
4. POM Colin Houlihan	08879	960682	045 PCT
5. POM Neil Anderson	19190	958248	045 PCT

Officer(s)	Allegation	Investigator Recommendation
A.LT Michael Piper	Abuse: At § 87(2)(b) Lieutenant Michael Piper damaged § 87(2)(b)'s property.	§ 87(2)(b)
B.LT Michael Piper	Abuse: Lieutenant Michael Piper entered the § 87(2)(b) of § 87(2)(b) in the Bronx.	§ 87(2)(b)
C.POM Gabriel Cotto	Force: At § 87(2)(b) in the Bronx, Police Officer Gabriel Cotto used physical force against § 87(2)(b)	§ 87(2)(b)
D.POM Gabriel Cotto	Force: At § 87(2)(b) in the Bronx, Police Officer Gabriel Cotto used physical force against § 87(2)(b)	§ 87(2)(b)
E.POM Gabriel Cotto	Discourtesy: At § 87(2)(b) in the Bronx, Police Officer Gabriel Cotto spoke discourteously to § 87(2)(b)	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
F.POM Gabriel Cotto	Off. Language: At § 87(2)(b) in the Bronx, Police Officer Gabriel Cotto made remarks based on § 87(2)(b)'s gender identity.	
G.LT Michael Piper	Abuse: Lieutenant Michael Piper searched the basement of § 87(2)(b) in the Bronx.	
H.POM Hector Basora	Discourtesy: At § 87(2)(b) in the Bronx, Hector Basora spoke discourteously to § 87(2)(b).	
I. An officer	Discourtesy: At § 87(2)(b), an officer spoke discourteously to § 87(2)(b).	
J.POM Hector Basora	Discourtesy: At the 45th Precinct stationhouse, Police Officer Hector Basora spoke discourteously to § 87(2)(b).	
K.POM Hector Basora	Force: At the 45th Precinct stationhouse, Police Officer Hector Basora struck § 87(2)(b) against a wall.	
L.POM Gabriel Cotto	Force: At the 45th Precinct Stationhouse, Police Officer Gabriel Cotto struck § 87(2)(b) against a wall.	
M.POM Sean Liscoe	Force: At the 45th Precinct stationhouse, Police Officer Sean Liscoe struck § 87(2)(b) against a wall.	
N.POM Sean Liscoe	Force: At the 45th Precinct stationhouse, Police Officer Sean Liscoe used physical force against § 87(2)(b).	
O.POM Melvin Chittum	Force: At the 45th Precinct stationhouse, Police Officer Melvin Chittum used physical force against § 87(2)(b).	
P.POM Melvin Chittum	Abuse: At the 45th Precinct stationhouse, Police Officer Melvin Chittum threatened § 87(2)(b) with the use of force.	
Q.LT Burim Berisha	Abuse: At the 45th Precinct stationhouse, Lieutenant Burim Berisha threatened § 87(2)(b) with the use of force.	
R. Officers	Abuse: Officers seized § 87(2)(b)'s property.	

Case Summary

On September 27, 2017, § 87(2)(b) submitted the following complaint with the Internal Affairs Bureau (IAB) via telephone. It was received at the CCRB on October 10, 2017, via Log #2017-38385.

At approximately 2:45 a.m. on August 3, 2017, § 87(2)(b) went into the basement of his apartment building at § 87(2)(b) in the Bronx. § 87(2)(b) was the superintendent of the building and went to reset the circuit breaker. He turned off the water, reset the circuit breaker, and stayed in the basement to watch television. At approximately 3:00 a.m., § 87(2)(b) heard approximately five knocks on the locked basement door. § 87(2)(b) said, “Get the fuck out of here.” For the next twenty to thirty minutes, Lieutenant Michael Piper of the 45th Precinct broke down § 87(2)(b)’s door, damaging it in the process (**Allegation A: Abuse of Authority – Entry of Premises: § 87(2)(g)** (**Allegation B: Abuse of Authority – Property Damage: § 87(2)(g)** Lieutenant Piper was allegedly joined by Police Officers Hector Basora, Gabriel Cotto, Neil Anderson, and Colin Houlihan of the 45th Precinct entered the basement with Lieutenant Piper (**subsumed within Allegation A**). § 87(2)(b) was placed in handcuffs by Police Officer Basora and Police Officer Cotto allegedly punched him on the left side (**Allegation C: Force – Physical Force: § 87(2)(g)** As § 87(2)(b) was escorted out of the basement and upstairs, Police Officer Cotto allegedly punched him in the head again (**Allegation D: Force – Physical Force: § 87(2)(g)** Police Officer Cotto allegedly said to Police Officer Basora, “Esta pieza de mierda cree que tiene bola,” meaning, ‘This piece of shit thinks he has balls’ in Spanish (**Allegation E: Discourtesy – Word: § 87(2)(g)** (**Allegation F: Offensive Language – Gender Identity: § 87(2)(g)** After § 87(2)(b) was removed from the basement, Lieutenant Piper conducted a protective sweep of the basement in § 87(2)(b) (**Allegation G: Abuse of Authority – Search of Premises: § 87(2)(g)** In the police vehicle in which he would be transported, Police Officer Basora and an unidentified officer allegedly told § 87(2)(b) “You’re not gonna get shit” (**Allegation H: Discourtesy – Word: § 87(2)(g)** (**Allegation I: Discourtesy – Word: § 87(2)(g)** § 87(2)(b) was transported to the 45th Precinct stationhouse.

At the 45th Precinct stationhouse, Police Officer Basora allegedly told § 87(2)(b) that he was not going to “...give [him] shit” (**Allegation J: Discourtesy – Word: § 87(2)(g)** After he was lodged in a cell at the stationhouse, Police Officer Basora, Police Officer Cotto, and Police Officer Sean Liscoe of the 45th Precinct allegedly took § 87(2)(b) out of his cell, lifted him off the ground, and together they allegedly ran his head into a cement wall (**Allegations K, L, and M: Force – Physical Force: § 87(2)(g)** Police Officer Melvin Chittum of the 45th Precinct and Police Officer Liscoe used physical force to place § 87(2)(b) in handcuffs (**Allegations N and O: Force – Physical Force: § 87(2)(g)** Police Officer Chittum and Lieutenant Burim Berisha of the 45th Precinct threatened § 87(2)(b) with the use of a Taser (**Allegations P and Q: Abuse of Authority – Threat of Force: § 87(2)(g)**

§ 87(2)(b) received medical treatment at § 87(2)(b). He was charged with § 87(2)(b), § 87(2)(a) 160.50

§ 87(2)(b). Sometime between the time officers entered his apartment and when he returned home two days later, officers allegedly removed § 87(2)(b)’s DVR system from the basement of § 87(2)(b) (**Allegation R: Abuse of Authority – Property Seizure:**

§ 87(2)(g)). The criminal case against § 87(2)(b) was ultimately dismissed and his arrest was sealed.

This case is being concurrently investigated by Bronx Investigations via IAB Log #17-37450. A request for the IAB case file has been submitted and will be added to the CCRB case file upon receipt.

Video footage was not obtained for this incident.

Findings and Recommendations

Allegation A – Abuse of Authority: Lieutenant Michael Piper entered the basement of § 87(2)(b) in the Bronx.

Allegation B – Abuse of Authority: A § 87(2)(b) in the Bronx, Lieutenant Michael Piper damaged § 87(2)(b)'s property.

§ 87(2)(b) was interviewed at the CCRB on November 2, 2017, provided a telephone statement on December 19, 2017 (Board Review 01), and was interviewed at the CCRB for a second time on April 4, 2018. § 87(2)(b) provided a telephone statement on December 6, 2017 (Board Review 02). § 87(2)(b) provided telephone statements on January 24, 2018, (Board Review 03) and January 11, 2019 (Board Review 19).

Police Officer Basora was interviewed on January 4, 2018, and again on June 7, 2018. Police Officer Fernando Benitez-Colon of the 45th Precinct was interviewed on January 5, 2018. Police Officer Chittum was interviewed on January 10, 2018. Lieutenant Piper was interviewed on January 17, 2018. Police Officer Houlihan was interviewed on January 23, 2018. Lieutenant Berisha was interviewed on January 24, 2018. Police Officer Anderson was interviewed on January 24, 2018. Police Officer Cotto was interviewed on January 31, 2018, and again on June 15, 2018. Detective Persaud was interviewed on February 21, 2018.

§ 87(2)(g) At 8:00 p.m. on August 2, 2017, § 87(2)(b) filed a complaint with the NYPD alleging that her boyfriend, § 87(2)(b) broke into her apartment at § 87(2)(b) put a knife to her neck, told her he would kill her if she called the police, and threatened to have his friends rape her (Board Review 04).

§ 87(2)(b) stated that he and § 87(2)(b) lived together at § 87(2)(b) and at approximately 2:45 a.m. on August 3, 2017, he arrived there after celebrating his birthday. § 87(2)(b) was the superintendent in the building, and instead of going into his apartment he went into the basement, which was a private area with a lockable steel door, a bed, and a television. § 87(2)(b) wanted to reset his circuit breakers, so he turned off the water for the building, then the electricity, and then stayed in the basement to watch television.

By turning off the water for the building, § 87(2)(b) prompted a 9-1-1 call from a tenant, who complained to 9-1-1 that her water had been shut off. At 3:18 a.m., Police Officers Hector Basora and Gabriel Cotto arrived at § 87(2)(b) in response to this 9-1-1 call and informed

the caller that because they were unable to reach her superintendent § 87(2)(b) they would have to wait until the morning to turn the water on.

At 4:09 a.m., Police Officers Basora and Cotto responded to a second call, in which § 87(2)(b) complained that she believed § 87(2)(b) had intentionally cut off power in her apartment (Board Review 05). Police Officers Basora and Cotto went to § 87(2)(b) for a second time that night and consulted with § 87(2)(b) who told them that § 87(2)(b) was in the basement. When they knocked on the basement door, § 87(2)(b) did not open it. Police Officers Basora and Cotto called their supervisor, Lieutenant Michael Piper, who drove to § 87(2)(b) and consulted with § 87(2)(b) as well. Lieutenant Piper was not going to enter the basement until he learned that an individual upstairs complained that their electricity was out and that they had a family member who needed electrically powered medical equipment to survive. Lieutenant Piper then knocked down the door to the basement of § 87(2)(b).

Police Officer Basora, along with several other officers, entered the basement and placed § 87(2)(b) who had been sitting in a chair watching the officers break down the door, into handcuffs.

According to Lieutenant Piper, he did not plan to enter the § 87(2)(b) even though Police Officer Cotto told him that § 87(2)(b) was inside. However, a female individual on the § 87(2)(b) leaned out of her apartment window and told him that she needed electricity for medical equipment. Lieutenant Piper did not remember exactly what the female individual said, but her statement gave him the impression that she needed electricity to keep someone alive. This prompted Lieutenant Piper to call the building owner, who told him that he was in South Carolina. § 87(2)(b) then told Lieutenant Piper that all the water and electricity controls were in the basement, at which point he decided to knock off the basement door with a hammer and to enter it with the intent to restore power.

According to Police Officer Basora, while he was in § 87(2)(b) a female individual came downstairs and said that her power had been turned off. She advised Police Officer Basora that she had a relative with a breathing apparatus and needed her power turned on immediately. PO Basora did not ask any questions about the breathing apparatus because it was his belief that the door needed to be opened right away, and that someone could have died if this did not happen.

The accounts of Police Officer Basora and Lieutenant Piper are broadly reflected in Arrest § 87(2)(b), § 87(2)(a) (Board Review 06), in which Police Officer Basora noted, "§ 87(2)(b), § 87(2)(a) 160.50 § 87(2)(b), § 87(2)(a) 160.50" Nothing in the NYPD Events confirmed a report that an individual was unable to breathe.

Courts have determined that officers may enter an apartment without a warrant under the emergency doctrine if (1) they have reasonable grounds that there is an emergency at hand and an immediate need for their assistance for the protection of life and property; (2) the search is not primarily motivated by intent to arrest and seize evidence; and (3) there is some reasonable basis, approximating probable cause, to associate with the area or place to be searched, People v.

Mitchell, 39 N.Y.2d 122 (Board Review 07), Brigham City v Stuart, 547 U.S. 398 (Board Review 08).

In Onderdonk v. State, 170 Misc. 2d 155 (1996), the court ruled that officers could damage property if doing so was necessary to carry out their duties (Board Review 09).

It is undisputed that § 87(2)(b) turned off the water and electricity in § 87(2)(b). Lieutenant Piper and Police Officer Basora both stated that they were informed that an individual in the apartment complex told them that this caused a life-threatening condition § 87(2)(g), § 87(2)(b).

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation C – Force: At § 87(2)(b) in the Bronx, Police Officer Gabriel Cotto used physical force against § 87(2)(b)

Allegation D – Force: At § 87(2)(b) in the Bronx, Police Officer Gabriel Cotto used physical force against § 87(2)(b)

According to § 87(2)(b) when officers entered his basement, Police Officer Basora immediately instructed him to place his hands behind his back and placed § 87(2)(b) in handcuffs. Police Officer Cotto asked § 87(2)(b) whether he thought that the officers were not going to be able to get into the basement and asked why he had not simply opened the door. § 87(2)(b) told Police Officer Cotto, “That’s your job, right? You did your job. You happy?” In response, Police Officer Cotto punched § 87(2)(b) on the left side of his head, causing a cut on the left side of his forehead. Lieutenant Piper said, “Get him out of here,” and the officers began to escort § 87(2)(b) out of the basement. § 87(2)(b) told Police Officer Cotto, “Smile because the cameras are right there, motherfucker.” In response, Police Officer Cotto punched § 87(2)(b) in the side of his head with a closed fist, causing a second cut on the left side of § 87(2)(b)’s forehead. Later in his account he stated that force was used against him while at the 45th Precinct stationhouse.

According to Police Officer Cotto, he never entered the § 87(2)(b). As other officers entered, he was upstairs. An officer called for him to come downstairs to the § 87(2)(b). As he walked downstairs, he observed § 87(2)(b) being removed from the basement by Police Officers Basora, Anderson, and Houlihan, and Lieutenant Piper. He did not enter the basement. He grabbed § 87(2)(b) by the arm and escorted him upstairs to a police vehicle that was outside. He denied that any officer punched § 87(2)(b). He did not remember § 87(2)(b) saying that there were cameras in his basement.

Every other officer who was present accounted for being in the basement when § 87(2)(b) was placed into handcuffs. However, none of the other officers knew if Police Officer Cotto was in the § 87(2)(b) during that time. All of them denied that § 87(2)(b) was punched in the head at § 87(2)(b).

Police Officer Basora accounted for placing § 87(2)(b) into handcuffs and walking him upstairs with the assistance of Police Officer Houlihan. He believed that Police Officer Cotto and Police Officer Anderson stood in the doorway to the basement as § 87(2)(b) was escorted upstairs and outside.

According to the FDNY Prehospital Care Report (Board Review 10), at approximately 9:54 a.m. on § 87(2)(b), § 87(2)(b) complained that his back hurt and that he had fallen, injuring his forehead. According to his medical records from § 87(2)(b) (Board Review 11), he had a small laceration to his forehead with no active bleeding. He complained that he had struck his head against a cement object. Neither of the accounts documented by medical professionals referenced § 87(2)(b) interacting with the NYPD.

§ 87(2)(g) §
7(
2)

Allegation E – Discourtesy: At § 87(2)(b) in the Bronx, Police Officer Gabriel Cotto spoke discourteously to § 87(2)(b)
Allegation F – Offensive Language: At § 87(2)(b) in the Bronx, Police Officer Gabriel Cotto made remarks based on § 87(2)(b)'s gender identity.

On April 4, 2018, a photo-viewing was conducted with § 87(2)(b). During this photo-viewing, § 87(2)(b) mentioned allegations that he did not provide during his initial statements. Consequently, a second sworn statement was obtained in which § 87(2)(b) stated the following (Board Review 01):

According to § 87(2)(b) after he was punched in the head for the first time, but before he was punched in the second time, Police Officer Cotto said of § 87(2)(b) to Police Officer Basora, “Esta pieza de mierda cree que tiene bola.” Translated from Spanish, this meant, ‘This piece of shit thinks he has balls’ § 87(2)(b) did not provide this information to the CCRB in his initial statements because he had been unaware that officers were not allowed to use profanity.

According to Police Officer Basora, he did not make this statement. He acknowledged that he was fluent in Spanish. He added that Police Officer Cotto understood “a little Spanish” but was not fluent. Neither of them were certified to speak Spanish by the NYPD. He denied that any officers spoke Spanish during this incident.

According to Police Officer Cotto, he did not say, “Este pieza de mierda cerece tiene bola.” Police Officer Cotto denied being able to speak Spanish. When asked whether Police Officer Basora spoke Spanish, he replied, “No. I don’t think he speaks Spanish.” He denied that any of the officers he worked with on the evening of the incident spoke Spanish. He stated that he had worked regularly with all the officers who had been present during the incident and had never heard any of them speak Spanish.

§ 87(2)(g)

Allegation G – Abuse of Authority: Lieutenant Michael Piper searched the basement of § 87(2)(b) in the Bronx.

It is undisputed that after § 87(2)(b) was taken out of the § 87(2)(b) to the police vehicle that awaited him, Lieutenant Piper and Police Officer Basora searched the basement § 87(2)(b).

According to Lieutenant Piper, as § 87(2)(b) was escorted upstairs, he and at least one other officer – he did not remember who - stayed with him. They turned on the water and electricity and searched the area where § 87(2)(b) had been sitting as a “safety sweep.” According to Police Officer Basora, when § 87(2)(b) was transported to the 45th Precinct stationhouse, he stayed behind to search the basement.

In Maryland v. Buie, 494 U.S. 325 (Board Review 12), the court ruled that officers could conduct a protective sweep of a basement after an arrest without a search warrant, and as a precautionary matter and without probable cause or reasonable suspicion, could look in spaces immediately adjoining the place of arrest. The court held that there had to be articulable facts which would warrant a prudent officer in believing that the area to be swept harbored an individual posing danger. In this case the court noted that an in-home arrest puts an officer at the disadvantage of being on his adversary’s “turf,” where an ambush in a confined setting is more feared than in the open. The court also noted that if there was reason to suspect that the arrestee had accomplices, that reasonable suspicion was sufficient to justify a limited additional intrusion to investigate the possibility of their presence.

§ 87(2)(b), § 87(2)(g)

Allegation H – Discourtesy: At § 87(2)(b) in the Bronx, Police Officer Hector Basora spoke discourteously to § 87(2)(b)

Allegation I – Discourtesy: At § 87(2)(b) in the Bronx an officer spoke discourteously to § 87(2)(b)

Allegation J – Abuse of Authority: At the 45th Precinct Stationhouse, Police Officer Hector Basora spoke discourteously to § 87(2)(b)

According to § 87(2)(b) when he was placed in the police vehicle, he told the officers in the front seats, Police Officer Basora and another officer, that he wanted to know where his property would be vouchered. In response they both replied, “You’re not gonna get shit.” When he arrived at the 45th Precinct stationhouse, Police Officer Basora and the same officer who had come to the precinct with him took § 87(2)(b) to the holding cells and placed him inside. Police Officer Basora told him that he was not going to “give [him] shit.”

§ 87(2)(b) provided a precise description of Police Officer Basora as an approximately 5’9” to 6’0” tall uniformed Hispanic male between 27 and 29 years old, who weighed 280 pounds, had dark skin, short black hair, and no facial hair. During his CCRB interview, Police Officer Basora described himself as a 6’1” Hispanic male who was 31 years old, weighed 300 pounds, and had black hair. None of the officers involved in this incident came close to fitting this description.

According to Police Officer Basora, he did not transport § 87(2)(b) to the 45th Precinct stationhouse and did not lodge him in the cells. He stated that § 87(2)(b) was transported from § 87(2)(b) to the stationhouse by Police Officers Houlihan and Anderson while he stayed at § 87(2)(b) for 15 to 20 minutes after § 87(2)(b) was transported. He denied telling § 87(2)(b) that he was “not going to get shit,” and denied using any profanity toward § 87(2)(b) at any point. He did not believe that any other officer told § 87(2)(b) that he was “not going to get shit.” He denied interacting with § 87(2)(b) at the 45th Precinct stationhouse.

Police Officer Anderson and Police Officer Houlihan both accounted for transporting § 87(2)(b) to the 45th Precinct stationhouse and for lodging him in the cell area. According to Police Officer Houlihan, he did not tell § 87(2)(b) that he could not get his “shit” and did not use any profanity during this incident. According to Police Officer Anderson, he did not use the word “shit” toward § 87(2)(b) during this incident and was not aware of any other officer doing so.

According to Police Officer Houlihan’s memo book (Board Review 13), he and Police Officer Anderson transported § 87(2)(b) to the stationhouse. Police Officer Anderson’s memo book (Board Review 13) says “see recorder,” in reference to his assigned partner, Police Officer Houlihan.

§ 87(2)(b) described the officer who drove with Police Officer Basora as an approximately 5’6” to 5’8” tall uniformed white male with a medium-small build, who weighed approximately 170 to 180 pounds, with blond hair. Police Officer Anderson is a 5’11” tall white male who weighs 190 pounds, with brown hair and hazel eyes. He was § 87(2)(b) old at the time of the

[illegible]

§ 87(2)(g)

Allegation L – Force: At the 45th Precinct stationhouse, Police Officer Gabriel Cotto struck § 87(2)(b) against a wall.

§ 87(2)(b) against a wall.

Allegation O – Force: At the 45th Precinct stationhouse, Police Officer Melvin Chittum used force against § 87(2)(b)

Allegation Q – Abuse of Authority: At the 45th Precinct stationhouse, Lieutenant Burim Berisha threatened § 87(2)(b) with the use of force.

CCRB CTS – Confidential

The investigation identified the individual § 87(2)(b) had seen in the cell area as § 87(2)(b) who two hours prior had been arrested for driving while intoxicated and refusing to submit to a Breathalyzer examination (Board Review 13). § 87(2)(b) denied being in the same cell as § 87(2)(b).

According to § 87(2)(b) on the morning of August 3, 2017, he was lodged in the 45th Precinct stationhouse when he observed three white male officers place § 87(2)(b) into another cell in the cell area. Approximately two minutes after § 87(2)(b) was lodged in his cell, four or five officers rushed from the front desk area and into § 87(2)(b)'s cell. § 87(2)(b) did not know what had caused the officers to rush into § 87(2)(b)'s cell. During his telephone statement, § 87(2)(b) stated that the officers "roughed § 87(2)(b) up." He clarified that he was unable to see exactly what happened because it was out of his line of sight. He did not see the officers remove § 87(2)(b) from the cell he was in. It appeared that the officers were in a corner of § 87(2)(b)'s cell, impeding § 87(2)(b) from seeing what was happening to § 87(2)(b). At the time he believed that the officers had "started beating him up." He believed that the officers were striking him based on the noises coming from the cell. § 87(2)(b) could only see into the corner near the cell - not into the cell itself. The officers screamed things like, "Shut up. Don't resist," and, "Be quiet." § 87(2)(b) said to the officers, "See what you did to me. You beat me up," and continued to make similar statements. He repeatedly complained that he had been mistreated. During his telephone statement, § 87(2)(b) was asked whether § 87(2)(b) said anything about being punched. He replied, "Yes, I believe so," but could not remember any additional details. § 87(2)(b) was asked whether he observed an officer strike § 87(2)(b) and he replied, "I don't know. I can't say for certain." § 87(2)(b) was asked whether he observed § 87(2)(b) being hit against anything and he replied, "I don't know I just can't say for sure." Later, when § 87(2)(b) was escorted out of the cell area, he looked toward § 87(2)(b) and saw that he was bleeding from a cut on his head. He did not know whether § 87(2)(b) had been bleeding when he was originally placed into the cell. There was blood on his face and his white shirt. It appeared to § 87(2)(b) that § 87(2)(b)'s wound was fresh. Throughout this statement, § 87(2)(b) repeatedly said that he had difficulty recalling this incident. He observed Police Officer Chittum and Lieutenant Berisha enter the cell area during this alleged altercation but was unable to attribute any specific actions to them.

According to Police Officer Basora, he did not interact with § 87(2)(b) at the 45th Precinct stationhouse.

According to Police Officer Cotto, after § 87(2)(b) was transported from § 87(2)(b) to the 45th Precinct stationhouse, he never saw § 87(2)(b) again.

According to Police Officer Liscoe, Police Officer Chittum, and Lieutenant Berisha, at approximately 8:00 a.m. on August 3, 2017, Police Officers Liscoe and Chittum had to restrain § 87(2)(b) to put him into handcuffs because he was wildly gesticulating and refusing to be cuffed when he needed to be transported. As the officers pressed § 87(2)(b) against the cell bars to place him into handcuffs, his head made contact with the cell bars, creating a small laceration. As § 87(2)(b) resisted Police Officer's initial attempt to place him into handcuffs, Lieutenant Berisha and Police Officer Chittum both threatened to use a Taser against § 87(2)(b) if he did not relinquish his hands.

The photograph attached to T.R.I. § 87(2)(b) and T.R.I. § 87(2)(b) (Board Review 20) shows § 87(2)(b)'s forehead with blood on the center-left portion of his forehead and an indentation on the upper-left side of his head. These T.R.I.s were completed by Police Officer Chittum and Police Officer Liscoe, respectively, and reflected that § 87(2)(b) was injured while officers attempted to place him into handcuffs and he refused to be cuffed.

According to the NYPD, an Arrest Photograph for § 87(2)(b) was not available.

As stated above, according to the FDNY Prehospital Care Report (Board Review 10), at approximately 9:54 a.m. on August 3, 2017, § 87(2)(b) complained that his back hurt and he fell, injuring his forehead. According to his medical records from § 87(2)(b) (Board Review 11), he had a small laceration to his forehead with no active bleeding. He complained that he had struck his head against a cement object. Neither of the accounts documented by medical professionals referenced § 87(2)(b) interacting with the NYPD.

Stationhouse footage for this incident had already expired when § 87(2)(b) submitted this complaint. A request to LMSI yielded negative results.

According to Patrol Guide Procedure 221-01 (Board Review 14), officers may use force when it is reasonable to ensure the safety of a member of service, or when it is reasonable to prevent escape from custody.

§ 87(2)(g)
[REDACTED]

[REDACTED]

Allegation R – Abuse of Authority: On an unknown date, at § 87(2)(b) officers seized § 87(2)(b) s DVR system.

According to § 87(2)(b) there were three cameras in the basement of § 87(2)(b) during this incident. He believed that they captured footage of his arrest, including footage of Police Officer Cotto punching him in the head two times. Two days after the incident, when he returned to § 87(2)(b) the DVR system for the cameras was missing. § 87(2)(b) told him

that after the incident she saw officers go into the basement with a suitcase, leading § 87(2)(b) to believe that officers took the DVR containing the surveillance footage from § 87(2)(b) § 87(2)(b)

According to Police Officer Basora, several days after the incident he obtained a subpoena for the surveillance footage in § 87(2)(b) § 87(2)(b). He learned that when officers went to § 87(2)(b) § 87(2)(b) to retrieve it, the hardware for the DVR system had been removed.

According to Detective Persaud's DD5s (Board Review 15), on August 9, 2017, he went to § 87(2)(b) § 87(2)(b) to investigate the domestic violence complaint against § 87(2)(b) § 87(2)(b) and was informed by § 87(2)(b) § 87(2)(b) that the DVR system had been removed. She added that she spoke to another group of officers several days before and had told them the same thing. She insinuated that the DVR system may have been removed by the landlord, § 87(2)(b) § 87(2)(b)

Police Officer Cotto did not know what had happened to the surveillance system. Lieutenant Piper did not recall observing any surveillance cameras at § 87(2)(b) § 87(2)(b). Police Officer Anderson did not know what happened to the surveillance system. Police Officer Houlihan did not recall seeing a surveillance console in the basement of § 87(2)(b) § 87(2)(b)

According to § 87(2)(b) § 87(2)(b) he did not know who removed the DVR system from his basement. It belonged to his management company, and consequently, him (Board Review 03) (Board Review 19).

§ 87(2)(g) § 87(2)(g) § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b)
- Lieutenant Piper has been a member-of-service for eleven years and has been a subject in three CCRB complaints and six allegations, none of which were substantiated. § 87(2)(g) § 87(2)(g)
- Police Officer Cotto has been a member-of-service for seventeen years and has been a subject in five CCRB complaints and eleven allegations, none of which were substantiated. § 87(2)(g) § 87(2)(g)
- Police Officer Basora has been a member-of-service for three years and has been a subject in one CCRB complaint and two allegations, none of which were substantiated. § 87(2)(g) § 87(2)(g)

- Police Officer Chittum has been a member-of-service for twelve years and has been a subject of five CCRB complaints and ten allegations, none of which were substantiated.

§ 87(2)(g)

- Lieutenant Berisha has been a member-of-service for thirteen years and has not been the subject of any CCRB complaints.
- Police Officer Liscoe has been a member-of-service for six years and has been a subject of six CCRB complaints and nine allegations. In Case #201504366, an allegation of discourtesy was substantiated against Police Officer Liscoe. § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(b), § 87(2)(c)
- This case was not eligible for mediation because of § 87(2)(b)'s arrest and the injuries he sustained during the incident.
- According to the New York City Comptroller's Office, as of October 23, 2018, no Notice of Claim has been filed in this case (Board Review 18).

Squad 12

Investigator:	_____	_____	_____
	Signature	Print	Date
Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date